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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Liping CHEN, Ph.D. RECEIVED
Art Unit : 1632 MAY 19 2003
Applicants : Timsit *et al.* TECH CENTER 1600/2900
Serial No. : 09/868,663 (Confirmation No.: 3019)
Filed : November 5, 2001
For : MAMMALIAN CELL PREPARATIONS OPTIONALLY
TRANSFECTED WITH A GENE CODING FOR AN ACTIVE
SUBSTANCE CONTAINING SAME

May 13, 2003
New York, New York

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND REPLY TO RESTRICTION REQUIREMENT

This is in response to the November 13, 2002 Restriction Requirement in the above-identified application. Applicants have petitioned herewith to extend the time for response to that action by five months, up to and including May 13, 2003, and have paid the required fee [37 C.F.R. §§ 1.136(a) and 1.17(a)(5)]. No other fee is believed due in connection with this response. However, the Director is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 19904-015.

THE RESTRICTION REQUIREMENT

The Examiner states that the claims are directed to more than one species of the generic invention as follows from which applicants must elect:

- I. growth factors, anti-apoptotic factors, killer genes, antiproteases, immunomodulators, tumor suppressor genes, genes inhibiting the cell cycle.
- II. endothelial cells, epithelial cells, cerebral cells, retinal cells.

ELECTION

In response to the outstanding Restriction Requirement, applicants elect (I) growth factors and (II) epithelial cells.

Applicants make these elections without prejudice to their rights to traverse the restriction requirement with respect to non-elected species.

AMENDMENT OF CLAIMS

Applicants have amended the claims to remove multiple dependent claims with dependency on multiple dependent claims. In addition, applicants have made various formalistic amendments. None of these amendments contain new matter. The amended claim set is attached as Appendix A.

CONCLUSION

Applicants request consideration and early allowance of the pending claims.

Respectfully submitted,

Dated: May 13, 2003



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PATENT TRADEMARK OFFICE

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